

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : Not Yet Assigned  
Applicant : Vasilis Ntziachristos, et al.  
Filed : Herewith  
T.C./A.U. : Not Yet Assigned  
Examiner : Not Yet Assigned

Confirmation No.: Not Yet  
Assigned

Docket No. : MGH-048AUS  
Customer No. : 022494

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached form. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[ X ] (1) The enclosed Information Disclosure Statement is being filed: within three months of the filing date; or within three months of the entry of the national stage of the above-identified application; or before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. Accordingly, Applicant(s) believes that no fee or statement is required.

[ ] (2) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in 37 C.F.R. § 1.17(p).

## Information Disclosure Statement

Appl. No.: MGH-048AUS

SUBMISSION UNDER 37 C.F.R. § 1.97(c)INCLUDING A STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (3) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(1). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(c)INCLUDING A STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(2). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(c)INCLUDING STATEMENTS UNDER 37 C.F.R. §§ 1.704(d) AND 1.97(e)(1)

[ ] (5) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by statements under 37 C.F.R. §§ 1.704(d) and 1.97(e)(1). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure

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Statement and was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)INCLUDING A STATEMENT UNDER 37 C.F.R. §1.97(e)(1)

[ ] (6) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by a statement under 37 C.F.R. § 1.97(e)(1) and the fee required under 37 C.F.R. § 1.17(p). The undersigned hereby states that each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)INCLUDING A STATEMENT UNDER 37 C.F.R. §1.97(e)(2)

[ ] (7) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by a statement under 37 C.F.R. § 1.97(e)(2) and the fee required under 37 C.F.R. § 1.17(p). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)INCLUDING STATEMENTS UNDER 37 C.F.R. §§ 1.704(d) AND 1.97(e)(1)

[ ] (8) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by statements under 37 C.F.R. §§ 1.704(d) and 1.97(e)(1) and the fee required under 37 C.F.R. § 1.17(p). The

## Information Disclosure Statement

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undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement and was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the accompanying Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

DALY, CROWLEY, MOFFORD &amp; DURKEE, LLP

Dated: Sept 7, 2006By: Kermit Robinson

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PTO/SB/06A (02-03)

Approved for use through 04/30/2003. OMB 0651-0031  
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Substitute for form 1449/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Application Number	Not Yet Assigned 10/598703
Filing Date	Filed Herewith 08 SEP 06
First Named Inventor	Vasilis Ntziachristos
Art Unit	Not Yet Assigned 2884
Examiner Name	Not Yet Assigned David S Baker
Attorney Docket Number	MGH-048AUS

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code <sup>2</sup>	Number <sup>3</sup> "Kind Code" (if known)		
/DSB/		US-	2002/0037252	03/28/2002	Toida
/DSB/		US-	2003/0220549	11/27/2003	Liu et al.
/DSB/		US-	2004/0015062	01/22/2004	Ntziachristos et al.
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code <sup>2</sup>	Number <sup>3</sup> "Kind Code" (if known)		
/DSB/		EP	0 336 208 A1	10/11/1989	Takada et al.
/DSB/		WO	2004/072906 A1	08/26/2004	Ntziachristos et al.
/DSB/		WO	2004/113889 A1	12/29/2004	Sevick-Muraca et al.
/DSB/		WO	2005/089637 A3	09/29/2005	Ntziachristos et al.

Examiner Signature	/David Baker/	Date Considered	09/24/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 03104. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbol as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DSB/

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Application Number	Not Yet Assigned	10/598703
Filing Date	Filed Herewith	08 SEPT 06
First Named Inventor	Vasilis Ntziachristos	
Art Unit	Not Yet Assigned	2884
Examiner Name	Not Yet Assigned	David S. B...
Attorney Docket Number	MGH-048A1US	

Baker

**OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS**

[illegible]

Examiner Signature	/David Baker/	Date Considered	09/24/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.980. The information is required to obtain or retain a benefit by the public which is in force (and by the USPTO to process) an application. Confidentiality will be maintained by 35 USC 6.22 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed material. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1470, Alexandria, VA 22304-1470.

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